

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MICHAEL HAYWOOD,
Plaintiff,

v.

GRABOWSKI, et al.,
Defendants.

Case No. 20-10694
Honorable Shalina D. Kumar
Magistrate Judge Anthony P. Patti

**ORDER ADOPTING IN PART AND DENYING IN PART REPORT AND
RECOMMENDATION (ECF NO. 28) AND DISMISSING CASE**

Plaintiff Michael Haywood filed this *pro se* complaint while in custody of the Michigan Department of Corrections. ECF No. 1. The Complaint was filed March 2, 2020 in the Western District of Michigan and transferred to this Court on March 16, 2020, because the prison in which the complained of conduct occurred is located in the Eastern District and venue is therefore proper in this district. Haywood filed an amended complaint on January 20, 2021. ECF No. 9. This case was referred to the magistrate judge for all pretrial matters pursuant to 28 U.S.C. § 636(b). ECF No. 20. All defendants have been dismissed except Corrections Officer Grabowski. ECF No. 6.

On June 9, 2022, the assigned magistrate judge issued a Report and Recommendation ("R&R"). ECF No. 28. The R&R recommends that the

Court dismiss the action without prejudice for failure to appear, failure to show cause, and failure to prosecute. ECF No. 28. It further recommends the Court require Haywood to pay the government defendant \$900 in attorney fees before he may re-file or re-open his case. No party has filed an objection to the R&R.

The Court has reviewed the record and **ADOPTS IN PART** the R&R as the findings and conclusions of the Court. The recommendation to dismiss the case without prejudice is **ADOPTED**. The Court declines to adopt the recommendation to condition any future re-filing on the payment of defendant's attorney fees.

Accordingly,

IT IS ORDERED that Haywood's complaint (ECF Nos. 1, 9) is **DISMISSED** without prejudice.

Dated: July 5, 2022

s/Shalina D. Kumar
SHALINA D. KUMAR
United States District Judge